



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of
Robert John Mabbott
Serial No. 08/716,360
Filed: August 03 , 1999
For: TRANSFER MATERIALS :

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DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed January 13, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 03, 2005, for failure to timely file a proper response to the Office letter dated November 01, 2004 be withdrawn. The petitioner asserts that the Office letter of November 01, 2004 was not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of November 01, 2004 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of November 01, 2004 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of November 01, 2004 was not received. Also provided is a copy of the attorney's application docket records where the Office letter of November 01, 2004 would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to allowance status. The application shall be forwarded to the Office of Patent



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Publication for prompt remailing of the above noted Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

JStone

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